

1 Patrick H. Peluso
2 ppeluso@woodrowpeluso.com
3 Woodrow & Peluso, LLC
4 3900 East Mexico Ave., Suite 300
5 Denver, Colorado 80210
6 Telephone: (720) 213-0675
7 Facsimile: (303) 927-0809

8 [Additional counsel appearing on signature page]

9 *Attorneys for Plaintiff*

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE WESTERN DISTRICT OF WASHINGTON**

12 CLINT ENGELBRETSON, individually and
13 on behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 BAGELCODE USA, INC., a Washington
17 corporation; GOOGLE LLC, a Delaware
18 limited liability company; and GOOGLE
19 PAYMENT CORP., a Delaware corporation,

20 Defendants.

Case No. 2:21-cv-00296-JLR

NOTICE OF VOLUNTARY DISMISSAL

21 Plaintiff dismisses this lawsuit against Defendants without prejudice.

22 Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

23 (a) Voluntary Dismissal.

24 **(1) By the Plaintiff.**

25 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any
26 applicable federal statute, the plaintiff may dismiss an action without a court
27 order by filing:
28

Notice of Voluntary Dismissal

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect*. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

In this case, Defendants have neither answered Plaintiff's Complaint nor served a motion for summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.

Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule 41(a)(1)(i) without prejudice.

Dated: June 21, 2021

CLINT ENGELBRETSON, individually and on behalf of all others similarly situated,

By: /s/ Patrick H. Peluso
One of Plaintiff's Attorneys

Steven L. Woodrow*
swoodrow@woodrowpeluso.com
Patrick H. Peluso*
ppeluso@woodrowpeluso.com
Woodrow & Peluso, LLC
3900 East Mexico Ave., Suite 300
Denver, Colorado 80210
Telephone: (720) 213-0675
Facsimile: (303) 927-0809

Attorneys for Plaintiff and the Class

* *Pro Hac Vice*